

**REMARKS**

Applicant has carefully reviewed and considered the Notice of Non-Compliant Amendment mailed on January 24, 2007.

On April 30, 2007, Applicant responded to a non-final office Action dated December 29, 2006, by amending, cancelling, and adding claims, and by presenting remarks regarding the patentability of the pending claims. On July 19, 2007, the Office issued a notice of non-compliant amendment for failure to quote the new claims after stating that the cited references did not disclose the elements of the new claims (Applicant had quoted the new claims and then argued that the elements of the new claims were not disclosed by the references). Applicant thereafter responded with the quotations in their appropriate locations.

On October 18, 2007, the Office issued a restriction requirement, indicating that two of the three newly added claims (which were the subject matter of the notice of non-compliant amendment) were directed to distinct species from the remaining claims. On November 8, 2007, Applicant responded to the restriction requirement by electing the first species and withdrawing two of the three newly added claims.

In so responding to the October 18, 2007 restriction requirement, Applicant inadvertently identified claim 21, which had been amended by the April 30, 2007 response, as "(Currently amended)," when in fact no new amendment was made in the response to the restriction requirement. On January 24, 2007, the Office issued a new notice of non-compliant amendment, indicating that while claim 21 was identified as "(Currently amended)," claim 21 did not include any markings to show amendments.

Applicant submits that the identification of claim 21 as "(Currently amended)" was a mistake, and apologizes to the Office for this mistake. Claim 21 should have been identified as "(Previously presented)," as were all of the other claims which were amended by the April 30, 2007 response. In this response, claim 21 is properly identified as "(Previously presented)."

If Applicant makes any other mistakes based on formalities, Applicant respectfully requests that the Examiner call Applicant's attorney at (208) 286-1013, so that such mistakes may be corrected by examiner's amendment and this case may proceed to a substantive examination.

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Serial Number: 10/611,365

Filing Date: June 30, 2003

Title: System and Method for Updating Network Appliances Using Urgent Update Notifications

**Page 10**

Dkt: 2003P98053US/0051-007001

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (208-286-1013) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3521 and reference Atty Docket No. 0051-007001.

Respectfully submitted,

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208-286-1013

Date: February 22, 2008

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